

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

LUIS C. DELAHOZ

Plaintiff,

v.

CITIMORTGAGE, INC.;  
MCM CAPITAL HOMEOWNERS  
ADVANTAGE TRUST IX

Defendants.

C.A. No. 13-438M

**NOTICE OF VOLUNTARY DISMISSAL AND AGREEMENT  
AS TO USE AND OCCUPANCY**

Plaintiff Luis C. Delahoz ("Plaintiff") hereby stipulates and agrees that Plaintiff voluntarily dismisses all Counts of the Complaint in the above-captioned matter only as to CitiMortgage, Inc. ("CMI") with prejudice, without the right of appeal, and with each party to bear its own fees and costs.

Plaintiff and CMI also hereby stipulate and agree that the Use and Occupancy payments made by the Plaintiff to the Special Master as a result of these proceedings through the date of filing of this Dismissal Stipulation shall be retained by the Special Master and distributed at the conclusion of this lawsuit; CMI forever waives any right that it has or may have to claim that any or all of the Use and Occupancy payments belong to it.

The undersigned parties warrant and represent, as to themselves, that each has paid all retainer fees billed to that party and/or will pay all retainer fees recently invoiced but are not yet due by the due date and waive the return of any retainer fee monies paid to the Special Master as a result of these proceedings.

LUIS C. DELAHOZ,  
By his attorney,

/s/ Todd S. Dion  
Todd S. Dion (#3747)  
1319 Cranston Street  
Cranston, RI 02920  
(401) 942-9924  
(401) 270-2202 (Fax)

CITIMORTGAGE, INC.  
By its attorney,

/s/ Joseph A. Farside, Jr.  
Joseph A. Farside, Jr. (#7559)  
EDWARDS WILDMAN PALMER LLP  
2800 Financial Plaza  
Providence, RI 02903  
(401) 274-9200  
(401) 276-6611 (Fax)  
jfarside@edwardswildman.com

March 12, 2014

Enter:

Per Order:

**CERTIFICATION OF SERVICE**

I, the undersigned, hereby certify that on the 12 day of March, 2014, this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Todd S. Dion